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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,579	03/21/2005	Lutz Telljohann	P70214US0	8668
136 7590 10/09/2007 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			EXAMINER EVANISKO, LESLIE J	
			ART UNIT 2854	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/528,579

Applicant(s)

TELLJOHANN, LUTZ

Examiner

Leslie J. Evanisko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/22/06 & 03/21/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 21, 2007 has been entered.

### **Drawings**

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the suction source recited in claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10-11, 15, 17, 20-22, 24-26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Dietzell et al. (US 4,627,346).

With respect to claim 10, Dietzell et al. teach a flexographic printing machine (Fig. 1) comprising: an ink reservoir 1 containing ink having a mixture ratio of color pigments and a volatile solvent; an ink transfer roller 3 that transfer the ink for application to a print substrate 8 from the ink reservoir; and a mechanism (i.e., heaters) for effecting evaporation of the solvent from the at least one ink transfer roller 3, the intensity of the ink applied to the print substrate being adjustable by controlling the

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solvent evaporation. Particular attention is invited to column 1, lines 41-45, column 3, lines 11-35, and Figure 1 of Dietzell et al

With respect to claims 11, 22, and 25, note that Dietzell et al. teaches the relationship of increased evaporation results in increased color intensity while decreased evaporation results in decreased color intensity.

With respect to claims 15, 17, and 28, note Dietzell et al. teach the mechanism for effecting solvent evaporation can be a heating arrangement (column 2, lines 52-62) or a source of radiation (column 3, lines 54-57).

With respect to claims 20 and 26, note Dietzell et al. teach the mechanism for effecting solvent evaporation is controllable in, for example, column 3, lines 7-10.

With respect to claim 21, Dietzell et al. teach a flexographic printing machine (Fig. 1) comprising: an ink reservoir 1 containing ink having a mixture ratio of color pigments and a solvent in a first mixture; an ink transfer roller 3 that transfer the ink for application to a print substrate 8 from the ink reservoir; and a mechanism (i.e., heaters) for effecting evaporation of the solvent from the at least one ink transfer roller 3 so as to provide a second ink mixture having less solvent than the first ink mixture, the intensity of the ink applied to the print substrate being adjustable by controlling the solvent evaporation.

With respect to claim 24, Dietzell et al. teach a method of adjusting ink intensity on a print substrate of a flexographic printing machine (Fig. 1) including the steps of: supplying ink for flexographic printing from an ink reservoir 1 to an ink transfer roller 3 that transfers ink for application to a print substrate 8, the reservoir ink having a mixture ratio of color pigments and solvent, and effecting evaporation (via heaters) of

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the solvent from the ink on the ink transfer roller so as to adjust the ink mixture ratio and adjust the intensity of the ink applied to the print substrate.

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-14, 16, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietzell et al. (US 4,627,346) in view of Smith (US 5,209,160). Dietzell et al. teach a flexographic printing machine and method as recited with the exception of the mechanism for effecting evaporation of the solvent being a blower that blows air or is capable of separating a laminar border layer adhering the ink to the roller. The use of a blowing mechanism positioned adjacent ink rollers to blow air and effect evaporation of fluids in an ink unit is well known in the art as exemplified by the blower 70 of Smith shown in Figures 1 and 4 in particular. In view of this teaching, it would have been obvious to one of ordinary skill in the art to use the evaporating mechanism of Smith positioned adjacent the ink roller of Dietzell et al. to provide a less complicated structure that can be better controlled to evaporate the solvent in the printing machine of Dietzell et al.

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With respect to claim 14, note the blowing mechanism 70 of Smith includes an air intake vent 88 which can broadly be considered to be a suction source as broadly recited.

With respect to claim 16, note the blowing mechanism of Smith blows air on ink rollers and is broadly capable of separating the laminar border layer adhering to the ink roller.

7. Claims 18-19, 23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietzell et al. (US 4,627,346). Dietzell et al. teach a flexographic printing machine and method as recited with the exception of having a plurality of ink reservoirs and/or mechanisms for effecting solvent evaporation. It has been held that mere duplication of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP § 2144.04(VI)(B). Thus, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Dietzell et al. to include a second ink reservoir and/or second mechanism for effecting solvent evaporation, because a person having ordinary skill in the art would recognize that a second ink reservoir would provide the opportunity to better control and adjust the amount of ink pigment on the ink transfer roller.

### **Response to Arguments**

8. Applicant's arguments with respect to claims 10-29 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lemaster (US 6,055,905) teaches a printer with a solvent evaporation mechanism having obvious similarities to the claimed subject matter.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Leslie J. Evanisko/*

Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
September 30, 2007